



## UNITED STATES PATENT AND TRADEMARK OFFICE

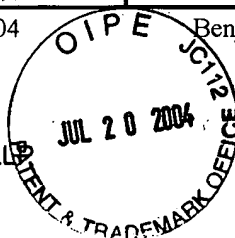
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*IFW*

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/772,084         | 02/03/2004             | Benjamin Sullivan     | 38055.00006.CIP1       |

36183

PAUL, HASTINGS, JANOFKY & WALKER LLP  
 P.O. BOX 919092  
 SAN DIEGO, CA 92191-9092



CONFIRMATION NO. 2380

## FORMALITIES LETTER



\*OC000000012344132\*

Date Mailed: 04/13/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$108 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1008 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

07/21/2004 MAHME1 00000016 10772084

01 FC:2001  
 02 FC:2051  
 03 FC:2202

385.00 OP  
 65.00 OP  
 54.00 OP

- Total additional claim fee(s) for this application is **\$108**

- **\$108** for **6** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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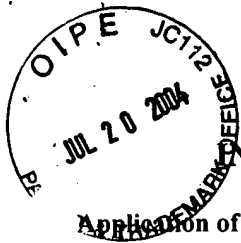
*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent  
38055.00006.CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Benjamin Sullivan *et al.*

Application No.: 10/772,084

Filing Date: February 3, 2004

Confirmation No.: 2380

Group Art Unit: 3736

Examiner: TBD

For: SYSTEMS AND METHODS FOR  
CALIBRATING OSMOLARITY  
MEASURING DEVICES

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Carvalho

(Name)

(Date)

Maria Carvalho  
(Signature)

TRANSMITTAL LETTER

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- Response to Notice to File Missing Parts of Nonprovisional Application (3 pgs.);
- Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
- Executed Declaration from inventor(s) (2 pgs.);
- Recordation Form Cover Sheet (1 pg.);
- Copies of Assignments (3 pgs);
- Grant of Power of Attorney (1 pg);

- Fee Transmittal for FY 2004 (in duplicate);
- Check in the amount of \$ 599.00; and
- Return Postcard.

Respectfully submitted,

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**

Dated: 13-Jul-04

By: 

Noel C. Gillespie  
Reg. No. 47,596

NCG/mfc

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**  
**CONFIRMATION NO.: 36183**  
P.O. Box 919092  
San Diego, CA 92191-9092  
Telephone: (858) 720-2500  
Facsimile: (858) 720-2555



Patent  
38055.00006.CIP1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Benjamin Sullivan *et al.*

Application No.: 10/772,084

Filing Date: February 3, 2004

Confirmation No.: 2380

Group Art Unit: 3736

Examiner: TBD

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I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'First Class Mail' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Carvalho

(Name) Maria Carvalho (Date) July 13, 2004  
(Signature)

SUBMISSION OF MISSING PARTS AND RELATED APPLICATION PAPERS

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Documents Enclosed:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR 1.53(b)**, which was mailed by the Patent Office on April 13, 2004 enclosed are:

- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application under 37 CFR 1.53(b) (2 pages);
- ☒ Executed Declaration (2 pages);
- ☒ Grant of Power of Attorney (1 page);

07/21/2004 MAHME1 00000016 10772084

04 FC:2251

55.00 OP

- ☒ Copies of Assignment (3 pages);
- ☒ Recordation Form Cover Sheet (1 page);
- ☒ Check for \$599.00;
- ☒ Fee Transmittal for FY 2004 (in duplicate); and
- ☒ Return Receipt Postcard.

2. **REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

|                                     | EXTENSION<br>(months) | FEE FOR SMALL<br>ENTITY | FEE FOR OTHER THAN<br>SMALL ENTITY |
|-------------------------------------|-----------------------|-------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | one month             | \$55.00                 | \$110.00                           |
| <input type="checkbox"/>            | two month             | \$210.00                | \$420.00                           |
| <input type="checkbox"/>            | three month           | \$475.00                | \$950.00                           |
| <input type="checkbox"/>            | four month            | \$740.00                | \$1,480.00                         |
| <input type="checkbox"/>            | five month            | \$1005.00               | \$2,010.00                         |

3. **FILING FEES**

|  |                       |                                     |           |
|--|-----------------------|-------------------------------------|-----------|
| <b>BASIC FILING FEE:</b>   |                       |                                     | \$770.00  |
| Total Claims   | 26 - 20 = 6 x \$18.00 |                                     | \$108.00  |
| Independent Claims   | 2 - 3 = 0 x \$42.00   |                                     | \$0.00    |
| Multiple Dependent Claims  | \$280 (if applicable) | <input type="checkbox"/>            | \$0.00    |
| Surcharge 37 CFR § 1.16(e)   | \$130 (if applicable) |                                     | \$130.00  |
| <b>TOTAL OF ABOVE CALCULATIONS</b>   |                       |                                     | \$1008.00 |
| Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. |                       |                                     |           |
|  |                       | <input checked="" type="checkbox"/> | \$504.00  |
| Extension of Time (from above)   |                       | <input checked="" type="checkbox"/> | \$55.00   |
| Assignment--\$40 (if applicable)   |                       | <input checked="" type="checkbox"/> | \$40.00   |
| <b>TOTAL FEES SUBMITTED HEREWITH</b>   |                       |                                     | \$599.00  |

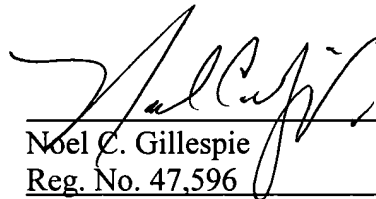
4. **METHOD OF PAYMENT OF FEES:**

- ☒ Check in the amount of \$599.00 is enclosed to cover the above fee(s).  
☐ Charge Deposit Account No. **50-2613** in the amount of \$0.00.  
☒ The Commissioner is authorized to charge Counsel's Deposit Account No. **50-2613** for any additional fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account **50-2613**.

Respectfully submitted,

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**

Dated: 13-July-04

By:   
Noel C. Gillespie  
Reg. No. 47,596

NCG/mfc

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**  
**CONFIRMATION NO.: 36183**

P.O. Box 919092

San Diego, CA 92191-9092

Telephone: (858) 720-2500

Facsimile: (858) 720-2555

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FEE TRANSMITTAL**

JUL 20 2004

**for FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT **\$599.00****Complete if Known**

|                      |                          |
|----------------------|--------------------------|
| Application Number   | 10/772,084               |
| Filing Date          | February 3, 2004         |
| First Named Inventor | Benjamin Sullivan et al. |
| Examiner Name        | TBD                      |
| Art Unit             | 3736                     |
| Attorney Docket No.  | 38055.00006.CIP1         |

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit

Account

Number

**50-2613**

Deposit

Account

Name

**Paul, Hastings, Janofsky & Walker LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE****Large Entity**

Fee Code

Fee (\$)

**Small Entity**

Fee Code

Fee (\$)

Fee Description

Fee Paid

|                     |     |      |     |                        |                             |
|---------------------|-----|------|-----|------------------------|-----------------------------|
| 1001                | 770 | 2001 | 385 | Utility filing fee     | \$385.00                    |
| 1002                | 340 | 2002 | 170 | Design filing fee      |                             |
| 1003                | 530 | 2003 | 265 | Plant filing fee       |                             |
| 1004                | 770 | 2004 | 385 | Reissue filing fee     |                             |
| 1005                | 160 | 2005 | 80  | Provisional filing fee |                             |
| <b>SUBTOTAL (1)</b> |     |      |     |                        | <b>(\$)</b> <b>\$385.00</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |    |        |   |   |                |        |   |          |         |
|--------------------|----|--------|---|---|----------------|--------|---|----------|---------|
| Total Claims       | 26 | -20**= | 6 | x | Fee from below | \$9.00 | = | Fee Paid | \$54.00 |
| Independent Claims | 2  | -3**=  | 0 | x | 0              |        | = | 0        |         |
| Multiple Dependent |    |        |   | x | 0              |        | = | 0        |         |

**Large Entity**

Fee Code

Fee (\$)

**Small Entity**

Fee Code

Fee (\$)

Fee Description

|                     |     |      |     |  |                            |
|---------------------|-----|------|-----|--|----------------------------|
| 1202                | 18  | 2202 | 9   | Claims in excess of 20                                     |                            |
| 1201                | 86  | 2201 | 43  | Independent claims in excess of 3                          |                            |
| 1203                | 290 | 2203 | 145 | Multiple dependent claim, if not paid                      |                            |
| 1204                | 86  | 2204 | 43  | ** Reissue independent claims over original patent         |                            |
| 1205                | 18  | 2205 | 9   | ** Reissue claims in excess of 20 and over original patent |                            |
| <b>SUBTOTAL (2)</b> |     |      |     |  | <b>(\$)</b> <b>\$54.00</b> |

\*\* or number previously paid, if greater; For Reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Equity****Small Equity**

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  | \$65.00  |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional fee or cover sheet                            |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     | \$55.00  |
| 1252     | 420      | 2252     | 210      | Extension for reply within second month                                    |          |
| 1253     | 950      | 2253     | 475      | Extension for reply within third month                                     |          |
| 1254     | 1,480    | 2254     | 740      | Extension for reply within fourth month                                    |          |
| 1255     | 2,010    | 2255     | 1,005    | Extension for reply within fifth month                                     |          |
| 1401     | 330      | 2401     | 165      | Notice of Appeal   |          |
| 1402     | 330      | 2402     | 165      | Filing a brief in support of an appeal                                     |          |
| 1403     | 290      | 2403     | 145      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,330    | 2453     | 665      | Petition to revive - unintentional   |          |
| 1501     | 1,330    | 2501     | 665      | Utility issue fee (or reissue)   |          |
| 1502     | 480      | 2502     | 240      | Design issue fee   |          |
| 1503     | 640      | 2503     | 320      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(g)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) | \$40.00  |
| 1809     | 770      | 2809     | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 770      | 2810     | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 770      | 2801     | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)****(\$)** **160.00****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)

Noel C. Gillespie

Registration No  
(Attorney/Agent)

47,596

Telephone 858-720-2500

Signature

Date July 13, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

The collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.